

## REMARKS

Applicants appreciate the thorough examination of the present application as reflected in the Official Action. Applicants also appreciate the allowance of Claims 49-53 and the indication of allowable subject matter in Claims 28, 42 and 63. Applicants have cancelled Claim 44. Certain dependent claims have also been amended to correct dependencies or to remove redundant language.

### The Claims Are Not Anticipated by Brown

Claims 17-27, 29-41, 43, 44, 54-62 and 64 stand rejected under 35 U.S.C. §102(e) as anticipated by United States Patent No. 5,583,351 to Brown *et al.* (hereinafter "Brown"). Of these claims, Claim 17, 30, and 54 are independent claims.

#### Claim 17

Claim 17 recites that "said red LED having its respective top anode contact in substantially the same plane as said anode contacts of said blue LED and said green LED." The Official Action cites to Figures 5a and 6-8 of Brown as disclosing that the red, green and blue diodes have their top contact in substantially the same plane as recited in Claim 17. However, in describing Figure 5a, Brown states that:

FIG. 5(a) is a schematic diagram showing three sub-pixels 13a, 13b, 13c such as described earlier, each tuned to a red, green or blue wavelength and assembled into a full color pixel 13 suitable for use in a semiconductor display. Each sub-pixel is shown formed by a cylindrical cavity laser with a top ring contact 12, the individual sub-pixels being bundled together to form a full pixel. Such diameter pixels comprise sub-pixels having thicknesses which vary but are of the order of 1  $\mu$ m, and diameters of approximately 30  $\mu$ m and can be manufactured using existing technology.

Brown, col. 9, lines 22-31. Thus, Applicants submit that Brown does not disclose that the top anode contacts of the diodes are in the same plane as recited in Claim 17. Accordingly, Applicants submit that Claim 17 and the claims that depend from Claim 17 are not anticipated by Brown.

#### Claims 30 and 54

Claim 30 recites that the blue LED comprises a silicon carbide substrate and a group III nitride active layer. Claim 54 recites that the green LED comprises a silicon carbide substrate and a group III nitride active layer. The Official Action does not cite to any portion

In re: Van De Ven et al.  
Serial No.: 09/057,838  
Filed: April 9, 1998  
Page 10 of 10

of Brown as disclosing these recitations. In fact, Brown describes a silicon or GaP substrate, not a SiC substrate. *See* Brown, Abstract. Accordingly, Applicants submit that Claims 30 and 54 and the claims that depend from them are not anticipated by Brown.

**The Dependent Claims are Separately Patentable**

While each of the dependent claims are patentable as depending from a patentable base claim, Applicants also submit that certain of the dependent claims are also separately patentable over Brown. For example, Claims 20-23, 27, 36, 37, 41 and 60-62 each include the recitations that either the blue or green LED is on a silicon carbide substrate. As such, Applicants submit that these claims are also not anticipated by Brown.

**Conclusion**

In light of the above discussion, Applicants submit that the present application is in condition for allowance, which action is respectfully requested.

Respectfully Submitted,

  
Timothy J. O'Sullivan  
Registration No. 35,632

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

  
Traci A. Brown  
Date of Signature: May 6, 2004